

# HOWARD UNIVERSITY

John H. Johnson School of Communications  
Department of Journalism

March 27, 2009

## Via Electronic Filing

Ms. Marlene H. Dortch, Secretary  
Federal Communication Commission  
445 12<sup>th</sup> St., N.W., TW-A325  
Washington, DC, 20554

RE: Written *Ex Parte* Communication in MB Docket No. 07-294

Dear Ms. Dortch:

On March 26, 2009, I, along with Professor Angela Campbell and Ms. Coriell Wright of the Georgetown Institute for Public Representation, attended a meeting with FCC staff to discuss ways to improve data collection on women and minority broadcast ownership. Attending for the FCC's Media Bureau, Industry Analysis Division, were Mania Baghdadi, Dan Bring, Amy Brett, Judith Herman, Royce Sherlock, Daniel Shiman, and Kristi Thompson.

As a university researcher who studies women and minority broadcast ownership, I have been in the position of using FCC data contained in Form 323. In a 2006 study, I provided a lengthy critique of the forms and data management, as well as recommendations for how the handling of these might be improved within the Media Bureau. That study, *Questioning Media Access: Analysis of FCC Women and Minority Ownership Data*, was submitted to record in the media ownership proceeding (See *Comments of the United Church of Christ et al.*, filed MB Dkt 06-121 [Oct. 22, 2006], at Appendix A.) That study was subsequently consolidated with the MB Docket 07-294. I am also filing a copy of that study along with this written *ex parte* for ease of reference. Since then, I have considered additional ways that the form and data management might be modified for greater accuracy and usefulness to the public and to us researchers who use the data. I note that my interest in women and minority ownership of media falls within my own longstanding research agenda associated with both gender and racial equality and access, and it fits appropriately within the stated mission of my employer, Howard University, a historically Black institution concerned with advancing the status of African American and other underserved populations.



The following points summarize and expand on the major points that I provided information on in that meeting, as well as a few additional details that I was asked to locate and provide:

- **What is a minority Serving Institution (MSI):** I was asked to provide a definition of this term so that it could be better understood in relation to broadcast media owned and/or operated on the campuses of minority-serving institutions. The term is used in higher education within the U.S. to identify historically Black colleges and universities (HBCUs), Hispanic-serving institutions, and tribal colleges and universities. Specific executive orders govern MSI's:
  - E.O. 12876, Historically Black Colleges and Universities
  - E.O. 12900; Educational Excellence for Hispanic Americans
  - E.O. 13021 Tribal Colleges and Universities; E.O. 13096 American Indian and Alaska Native Education
  - E.O. 13125, Increasing Federal Programs for Asian American Pacific Islanders
  - E.O. 13078, Increasing Employment of Adults with Disabilities.

Two additional federal websites with details about the names, locations and operation of MSI's:

<http://www.ed.gov/about/offices/list/ocr/edlite-minorityinst-list.html>

<http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2008156>

- **What should the Form 323 include?**

A. The following information is essential, in my view, and should be required fields on an electronic version of the form:

- File #
- Call letters
- Service and status (e.g., AM-full, FM-full, LPFM, TV)
- Location
- Ownership structure: single station, partnership or holding/parent company
- Total stations owned
- Details of owners: names, addresses, gender, ethnicity, race, % of voting stock
- Ownership summary: total number of women (or minority), total % they hold in votes

B. The following additional information would be desirable:

- Date each station was purchased or established
- Whether owners are involved in managing the station(s), i.e., day-to-day running

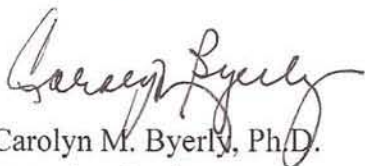


**C. Who should be required to report on gender, race, and ethnicity status?**

1) Sole proprietorships, 2) partnerships of natural persons, and 3) holding companies (that own a group of stations). 4) In addition, similar reporting requirements should be considered for stations operated on minority-serving campuses, and for non-commercial stations (e.g., public, community) so that we can gain greater understanding of where women and minorities fit into the ownership structures of stations utilizing the public airwaves. I believe this group of stations completes Form 323/E.

- **Design of the electronic form.** All of the items indicated above could be easily handled on an electronic form. Those with more than one possible answer (e.g., ownership structure, whether owners involved in stations) would be set up so that person filing checks a box. Having all these fields completed, and available in an electronic format, would make the databases searchable for specific details needed by the public, researchers, and others.
- **Improving usability of the women & minority databases.** As we discussed, the information contained in the databases created by completed Forms 323 would be more readily accessible and useful if FCC staff provided basic descriptive statistics (i.e., frequencies, mode, median, mean), and cross-tabulations (e.g., stations' formats by state, ethnicity by media format). These reports would be posted online for easy accessibility. (Note: Other federal bureaus, most notably the U.S. Census Bureau, already do this.)
- **Additional recommendations regarding management of the Form 323 and Form 323/E databases.** 1) Staff monitoring of the FCC reports for accuracy and timely submission is very important. There have been serious errors in information in the past, meaning that the databases include inaccuracies. 2) Do not allow attachments to be submitted along with reports – the form should contain all that is required. 3) Make the databases and reports associated with them easier to locate than at present. To that end, the FCC website would benefit from a significant redesign so that it is better organized and easier for members of the public to use.

Respectfully,



Carolyn M. Byerly, Ph.D.  
Associate Professor